

Docket # DURE-303**REMARKS**

Claims 1-15, and 17-31 are pending. Claim 16 has been canceled. Claims 9, 14, and 18-31 are withdrawn, follow election with traverse by Applicant pursuant to the restriction requirement of record. Claim 1 has been amended, with support for the amendment found throughout the original disclosure, and particularly at paragraph 45 and original claim 16. No new matter has been added by these amendments.

Double Patenting

Claims 1-8, 10-13, and 15-17 have been provisionally rejected on the grounds of nonstatutory obviousness-double double patenting. Applicants traverse this rejection.

Applicants request that this provisional rejection be held in abeyance pending indication of allowable subject matter either in this application or in copending application 11/183,477.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-8, 10-13, and 15-17 have been rejected under 35 U.S.C. § 112, First Paragraph, as lacking written description support. Applicants traverse this rejection.

Applicants point out to the Office that there is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. MPEP § 2163. In this case, the Office is rejecting originally filed claims for failing to meet the written description requirement.

This is a misapplication of the written description requirement. Applicants have used appropriate and art-recognized terms in the **original claims**, and therefore have fulfilled the

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written description requirement by definition.

The Office is requested to withdraw this rejection.

Rejections under 35 U.S.C. § 103(a)

Claims 1-8, 10-13, and 15-17 have been rejected under 35 U.S.C. § 103(a) as obvious over WO 00/45790 (Berry et al.) and US 2003/018036 (Chen et al.). Applicants traverse this rejection.

Claim requires that the recited polymer be treated with methionine in an amount sufficient to reduce vehicle peroxide values below 5 ppm. Neither Berry et al. nor Chen et al. teach or suggest this claim limitation. As the Office notes (OA at 11-12), neither Berry et al. nor Chen et al. teach or suggest anything about peroxide levels, so the claim limitation at issue would not be "obvious to try."

The cited references do not disclose each of the claim limitations in the pending claims. However, a rejection under 35 U.S.C. § 103(a) must consider each of the claim limitations. MPEP § 2143.03. Accordingly, a proper prima facie case of obviousness has not been made out by the Office. Applicants request the withdrawal of the rejection of claims 1-8, 10-13, and 15-17 under 35 U.S.C. § 103(a) over Berry et al. and Chen et al.

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In light of the above amendments and remarks, Applicants submit that the present application is fully in condition for allowance, and request that the Examiner withdraw the outstanding rejections. Early notice to that effect is earnestly solicited.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact Applicants' Attorney at (408) 777-4914.

Respectfully submitted,

DURECT CORPORATION

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